

Remarks

In the outstanding Office Action, the Examiner has rejected claims 1-5, 8-9, 43-45, 47, 51 and 62 under the nonstatutory, judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 8-9 of the parent application, Application No. 09/838,604, which issued on February 25, 2003 as United States Patent No. 6,523,614, in the names of Stuart M. Dennistoun et al, (hereinafter "Dennistoun"). The Examiner has rejected claims 48-50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has rejected claims 52-54 and 61 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,249,630, filed in the names of Michael W. Meaders et al., (hereinafter "Meaders"). The Examiner has allowed claims 10-42 and 70-77. The Examiner has objected to claims 6-7, 46, 55-60 and 63-69 as being dependent upon a rejected claim but has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intermediate claims.

Claims 1-77 were originally presented for Examination. Claim 55 has been cancelled, without prejudice or disclaimer, by way of the present Response. Claims 10, 19, 48 and 52 have been amended by way of the present Response. Claims 78-81 have been added by

way of the present Response. Claims 1-54 and 56-81 are currently pending, of which claims 1, 10, 19, 28, 31, 36, 43, 52, 62 and 70 are in independent form. Favorable reconsideration of the present amendment as currently constituted is respectfully requested.

#### Allowed Claims

Claims 10-42 and 70-77 have been allowed by the Examiner. Applicant acknowledges and appreciates the allowance of claims 10-42 and 70-77.

#### Obviousness-type Double Patenting

Claims 1-5, 8-9, 43-45, 47, 51 and 62 have been rejected under the nonstatutory, judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 8-9 of Dennistoun. Applicant has filed herewith a Terminal Disclaimer to obviate the double patenting rejection over Dennistoun. Accordingly, Applicant respectfully requests withdrawal of the outstanding double patenting rejection.

#### Rejections under 35 U.S.C. §112, second paragraph

Claims 48-50 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 48 has been amended to correct the

typographical error of the numeral "37" and replace it with the correct numeral "47." Claim 48 now properly depends from claim 47. Accordingly, Applicant respectfully submits that the rejection of claims 48-50 under 35 U.S.C. §112, second paragraph, has been overcome.

#### Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 52-54 and 61 under 35 U.S.C. §102(b) as being anticipated by Meaders. Applicant has amended claim 52 to include the subject matter of allowable claim 55. Accordingly, Applicant respectfully submits that the rejection of claim 52 under 35 U.S.C. §102(b), has been overcome. In addition, as claims 53-54 and 61 depend from allowable claim 52, Applicant respectfully submits that the rejection of claims 53-54 and 61 under 35 U.S.C. §102(b), has been overcome.

#### Allowable Claims

The Examiner has objected to claims 6-7, 46, 55-60 and 63-69 as being dependent upon a rejected claim but has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intermediate claims. As stated above, Applicant has filed herewith a Terminal Disclaimer to obviate the double patenting rejection over Dennistoun of claims 1, 43 and 62. Claims 6-7, 46 and 63-69

now depend from allowable claims, specifically claims 6-7 depend from allowable claim 1, claim 46 depends from allowable claim 43 and claims 63-69 depend from allowable claim 62. As stated above, Applicant has amended claim 52 to include the subject matter of allowable claim 55, now canceled. Claims 56-60 now depend from allowable claim 52. Accordingly, Applicant believes that claims 6-7, 46, 56-60 and 63-69 are in condition for allowance.

#### New Claims

Applicant has added new claims 78-81. Each of these claims depends from an allowable claims, specifically, claim 78 depends from claim 70, claim 79 depends from claim 43, claim 80 depends from claim 52 and claim 81 depends from claim 62. Accordingly, Applicant submits that claims 78-81 are allowable.

#### Fee Statement

The total number of independent claims has remained unchanged. The total number of claims has increased by three. Form PTO-2038 is enclosed herewith authorizing payment of \$110.00 for the Statutory Disclaimer in accordance with 37 C.F.R. §1.20(d) and \$54.00 for the extra claim fee in accordance with 37 C.F.R. §1.16(c). Applicant believes no additional fees are due for the filing of this Response. If any additional fees are due or any

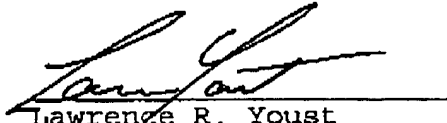
overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

Conclusion

In view of the forgoing, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections to claims and allow claims 1-54 and 56-81 presented for consideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 20th day of August, 2004.

Respectfully submitted:



Lawrence R. Youst  
Reg. No. 38,795  
Danamraj & Youst, P.C.  
Premier Place, Suite 1450  
5910 North Central Expressway  
Dallas, Texas 75206  
Tel 214.363.4266  
Fax 214.363.8177